

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

EUCLIDES SOTO, LOUIS A. MARTINEZ,
JOSE RAMIREZ, CLEMENTE HERNANDEZ,
CESAR PIZARO, ELISON PENA,
JUAN COLON, JOSE ORTIZ, RAFAEL TORRES,
ANGEL BAEZ, ANTONIO MARTINEZ,
WILFREDO ORTIZ, EULOGIO ORTIZ,
MIRRAIN MIRANDA, RAFAEL MORENO,
NELSON ACEVEDO, and
RAMON RODRIQUEZ,

Plaintiffs,

v.

SHERMAN-FEINBERG CORPORATION,
FARNSWORTH FIBRE CORPORATION,
UNITED STEELWORKERS OF AMERICA,
LOCAL 421-U, and UNITED STEELWORKERS
OF AMERICA,

Defendants.

Civil Action No.
04-10892-JLT

**MOTION OF DEFENDANTS UNITED STEELWORKERS OF AMERICA,
LOCAL 421-U AND UNITED STEELWORKERS OF AMERICA
TO INDEFINITELY POSTPONE TRIAL DATE**

Defendants United Steelworkers of America, Local Union 421-U and United Steelworkers of America, AFL-CIO/CLC (collectively, the "Union") hereby move to indefinitely postpone the July 25, 2005, trial date scheduled in the above-referenced matter. As grounds for this motion, Union states as follows:

During the April 5, 2005, settlement conference, the Plaintiffs requested mediation to attempt to resolve this case. [See Exhibit A.] The Union consented, and the Court instructed the Plaintiffs to make all necessary arrangements. In that same settlement conference, the Union requested that the Court set a schedule for summary judgment motions, as the Union contends

that this case can be completely resolved on such dispositive motions. The Court refused to set such dates until after mediation. ^{*Id.*} In the intervening time, while waiting for the Plaintiffs to make arrangements for mediation as directed by the Court, the Union began to prepare its summary judgment motion. Thereafter, on July 1, 2005, although the Plaintiffs made no mediation arrangements as the Court had directed, and without a further scheduling conference or pretrial conference, the Court set a jury trial date for July 25, 2005.

The Union is currently preparing to file its summary judgment motion and intends to have such motion filed within one week. If granted, the Union's motion would be dispositive of all the issues in this case. Therefore, to provide the Plaintiffs the necessary opportunity to respond to the motion to be filed next week, and to avoid the time and expense of a trial that would be unnecessary should the Union's motion be granted, the Union respectfully requests that the trial in this matter be indefinitely postponed so that the Court may rule on the Union's motion for summary judgment.

Moreover, the other Defendants in this matter have been part of this case for only two months and were not served their summonses until after the discovery deadline had passed. Therefore, because the other Defendants have neither availed themselves of the discovery process or been available to the other parties during the discovery period, the trial date should be postponed so that the parties might avail themselves of the discovery process with regard to the other Defendants, if they so choose.

Pursuant to Local Rule 7.1, the undersigned Counsel for the Defendant Union attempted to confer with the other parties to this case regarding this motion. Counsel for the Defendant Sherman-Feinberg Corp. and Farnsworth Fibre Corp. does not oppose this motion. The undersigned left telephone messages for Plaintiffs' Counsel, Attorney Robert Berger and

Attorney John Lee Diaz, on July 12, 2005, to discuss the scheduled trial date, but neither individual returned those messages.

WHEREFORE, the Defendant Union respectfully requests that the Court set a schedule for the filing of dispositive motions consistent with the Union's intent to file such a motion within one week's time and indefinitely postpone the July 25, 2005, trial date to allow time for the filing of the motion(s) and any oppositions thereto and for the Court to rule on said motion(s).

Respectfully submitted,

Dated: July 15, 2005

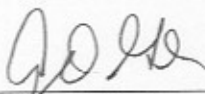


Harold L. Lichten, BBO # 549689
Alfred Gordon, BBO # 630456
Pyle, Rome, Lichten, Ehrenberg
& Liss-Riordan, P.C.
18 Tremont St., Ste. 500
Boston, MA 02108
(617) 367-7200

Theresa Merrill
Assistant General Counsel
United Steelworkers of America
Five Gateway Center
Pittsburgh, PA 15222
(412) 562-2533

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served by first class mail, postage prepaid on the attorney of record for each party on July 15, 2005.



Alfred Gordon